IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 30694 of 2006(D)

PETITIONER:
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1. AMBILY THOMAS,
D/O.AKKAMATTATHIL THOMAS,
AKKAMATTATHIL HOUSE, PALAKKAYAM (P.O.),
MANNARAKKAD TALUK, PALAKKAD (DISTRICT)

2. BINOY LUKOSE,
S/O.PALACKAL LUKOSE,
ACHILATTIYIL HOUSE, PALAKKAYAM (P.O.),
MANNARKKAD TALUK,
PALAKKAD (DISTRICT).

BY ADV. SMT.A.R.PRAVITHA

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD -
REPRESENTED BY ITS CHAIRMAN,
VAIDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPUAM.

2. DIVISIONAL ENGINEER,
KERALA STATE ELECTRICITY BOARD,
MANNARAKKAD, PALAKKAD DISTRICT.

3. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
SHORNUR.

4. ASSISTANT ENGINEER,
ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
THACHANPARA, PALAKKAD DISTRICT.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.30694/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS DATED 8.10.06 BEFORE THE MEMBER OF PARLIAMENT.

EXT.P2: TRUE COPY OF LETTER DATED 11.10.06 ISSUED TO THE 3RD RESPONDENT BY N.N.KRISHNADAS, MEMBER OF PARLIAMENT.

EXT.P3: TRUE COPY OF THE LETTER DATED 10.10.06 ISSUED TO THE 2ND PETITIONER BY N.N.KRISHNADAS, MEMBER OF PARLIAMENT.

EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 16.10.06 SUBMITTED BY THE PETITIONERS BEFORE THE ELECTRICAL SUPERINTENDING ENGINEER, PALAKKAD.

EXT.P5: TRUE COPY OF THE LETTER DATED 3.11.06 ISSUE DBY THE DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE, PALAKKAD TO THE 3RD RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

K.BALAKRISHNAN NAIR,J.

WP(C)NO.30694 OF 2006-D

Judgment

The petitioners are aggrieved by the omission of the respondents to include them also in the electrification project in Palakkayam Village of Mannarkkad Taluk. Nine persons are identified as beneficiaries of that project. The petitioners submits, though they are similarly placed, they alone are excluded. So, they moved various authorities and by Ext.P5, the KSEB has informed them that their complaint has been forwarded to the third respondent herein and they may contact the office of the said respondent. Since the respondents are proceeding with the electrification scheme, excluding the petitioners, this Writ Petition is filed, seeking appropriate reliefs.

2. A statement has been filed on behalf of the 4th respondent, stating that the petitioners are residing at a distance of 180 metres away from the project area and therefore, they cannot be included as beneficiaries of that project.

3. I heard the learned counsel on both sides. In answer to the submission of the 4th respondent in his statement, the learned counsel for the petitioners took me through the pleadings in paragraphs 7 and 8 of the Writ Petition, wherein it is stated that their residences are located very much in the project area. For giving connection to the first petitioner, only two posts are required and to the second petitioner, only one post. It is also pointed out that for certain other beneficiaries, 3 to 7 posts are required to give the connection and so, the stand taken by the 4th respondent in the statement filed by him is plainly wrong. Since

the matter is pending before the 3rd respondent, I feel that the said respondent shall take a decision in the mater having regard to the aforementioned contentions of the petitioners. It is ordered accordingly. The said respondent shall take the decision within one month from the date of receipt of a copy of this Judgment. If, for any reason, the third respondent feels that the petitioners' residences are not located in the project area and therefore, they cannot be included under the scheme, they shall be put on notice regarding the objection and shall be given an opportunity of being heard before a final decision is taken in the matter.

The Writ Petition is disposed of as above.

15.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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